IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. WJC No.967 of 2007
INDU SHEKHAR JHA
Versus
THE STATE OF BIHAR & ORS
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3 12.5.2008. Heard the petitioner, the State and the respondent no.7.

The petitioner has prayed for quashing of the criminal proceeding arising out of annexure 3 which is a case lodged by respondent no.7 in respect of causing severe injury to her daughter by the concerned tractor said to be of the petitioner. Learned counsel for the petitioner has further prayed for release of tractor in question as it is rusting in the police premises. He further submits that there has been delay in lodging of the FIR and the police is hand in glove with the prosecution and even in bailable cases he was not granted bail y the former. He submits that the Superintendent of police vide his order dated 12.4.2004 called for an explanation from the police concerned, still police has not released his truck.

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Referring to para 8 of the counter affidavit, learned counsel for the State and respondent no.7 submits that as leg of five years old daughter of respondent no.7 was badly run over by the tractor in question he was busy in attending her in the Darbhanga Medical College and Hispital, Darbhanga which caused delay in lodging of the FIR. So far as release of tractor is concerned, learned counsel for the State submits that petitioner may move before the learned Magistrate in seisin of the matter.

In the facts and circumstances of the case, this court is not inclined to quash the FIR which is refused.

The petitioner may file a fresh petition for release of his tractor along with documents in support of its ownership before the learned magistrate in seisin of the case who after being satisfied with the ownership of the tractor will release the same on sufficient sureties within a period of four weeks from today.

The writ petition is disposed of.

Shashi. **(S.P.Singh,J).**

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